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PAULA T. DOW  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street  
P.O. Box 45029  
Newark, New Jersey 07101

By: Swang Oo, Deputy Attorney General  
Attorney for State Board of Dentistry  
(973) 648-3696

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF DENTISTRY

IN THE MATTER OF	:	Administrative Action
	:	
<b>Arthur T. Grutt, D.M.D.</b>	:	CONSENT ORDER
<b>License No. 22DI01175100</b>	:	
	:	
LICENSED TO PRACTICE DENTISTRY	:	
<u>IN THE STATE OF NEW JERSEY</u>	:	

This matter was opened to the New Jersey State Board of Dentistry (the "Board") upon receipt of information alleging that Arthur Grutt, D.M.D., ("respondent") engaged in professional misconduct and insurance fraud in the practice of dentistry in the State of New Jersey.

The Board received a report of investigation on or about March 25, 2010 by the Office of the Insurance Fraud Prosecutor ("OIFP") pertaining to a complaint submitted on or about February 18, 2010 by Delta Dental of Missouri ("Delta Dental"). The complaint stated that respondent was subject to a Delta Dental internal audit based on respondent having billed for a disproportionate number of crowns. Respondent provided incorrect and/or inaccurate patient x-rays to Delta Dental which then determined that respondent had

billed Delta in excess of \$24,000 for work not completed.

On or about October 8, 2010, the Board sent a letter to respondent requesting that he provide complete patient records for the nine (9) patients listed in the Delta Dental Health Claim Fraud Referral/Notification Form. Respondent's attorney, Stephen Schechner, Esq., by written correspondence dated April 15, 2011, responded to the Board's request and stated that respondent is unable to locate the requested patient charts and is reimbursing Delta Dental for work that he is unable to support through treatment records.

Having reviewed the entire record, it appears to the Board that respondent engaged in professional misconduct and failed to comply with Board regulation regarding record keeping and submission of claims to third party payors consistent with N.J.A.C. 13:30-8.7 and N.J.A.C. 13:30-8.10(a) and (b), respectively.

These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21 (e) and (h). It appearing that respondent desires to resolve this matter without recourse to formal proceedings; that the within resolution is adequately protective of the public health, safety and welfare and for good cause shown;

IT IS, THEREFORE, ON THIS 7<sup>th</sup> DAY OF December, 2011

HEREBY ORDERED AND AGREED THAT:

1. Respondent is assessed civil penalties, pursuant to N.J.S.A. 45:1-22, totaling \$12,500.00 which sum represents

\$3,500.00 for professional misconduct/insurance fraud, and \$1,000.00 for each of the nine patients for whom respondent failed to maintain patient records. Payment of the civil penalties totaling \$12,500.00 shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Jonathan Eisenmenger, Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

2. Respondent shall make twelve (12) monthly payments of \$1,042.00 per payment with the first payment due upon entry of this Consent Order and subsequent payments shall continue to be due by the first of each month until all twelve payments are completed. In the event that respondent does not make a timely payment, the full balance will immediately become due. Failure to remit any payment as required by this Order will result in the filing of a certificate of debt, shall constitute a violation of this Consent Order, and may result in further disciplinary action.

3. Respondent shall fully attend, successfully complete, and pass the ProBE (Professional Problem Based Ethics) course offered by The Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing

Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903, or another ethics course of similar content that is pre-approved by the Board. Documentation of full attendance and successful completion of the course shall be provided to the Board.

4. This Order is effective upon its filing with the New Jersey State Board of Dentistry.

NEW JERSEY STATE BOARD OF DENTISTRY

By:

Herbert B. Dolinsky D.D.S.  
Herbert B. Dolinsky, D.D.S.  
President

I have read and understand this Consent Order and agree to be bound by its terms. I consent to the entry of this Order.

Arthur T. Grutt  
Arthur T. Grutt, D.M.D.

11/17/11  
Date

I consent to the entry of this order as to form.

Stephen Schechner  
Stephen Schechner, Esq.

11/17/11  
Date